



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.11245 of 2021

IN CRL.O.P.No.16341 of 2021

1 SUBASH SANKLA [PETITIONERS / ACCUSED NO.3 & 2]
2 S.MAHESHKUMAR

Vs

STATE REP. BY [RESPONDENT / COMPLAINANT]
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
COIMBATORE
(IN CRIME NO.38 OF 2018)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modify the conditions imposed against the petitioner by this Hon`ble Court concerned in Crl.O.P.No.16341 of 2021 dated 09.09.2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. V.MURUGESAN, Advocate for the Petitioners and of MR.A.GOPINATH, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This petition has been filed to modify the condition imposed by this Court vide order dated 09.09.2021 in Crl.O.P.No.16341 of 2021, wherein, the petitioners were directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the defacto complainant by way of demand draft without prejudice to their defence before the trial Court.

2. The learned counsel for the petitioners submitted that the petitioners were unable to mobilize the said amount within a period of two weeks and they are try to pay the amount within a stipulated time. Hence, he prays to modify the above condition imposed by this Court.



3. Heard the learned Government Advocate (Crl.side) appearing for the respondent.

4. This court granted Anticipatory bail to the petitioners on 09.09.2021 imposing the condition that the petitioners were directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the defacto complainant by way of demand draft without prejudice to their defence before the trial Court. Since the petitioner on their own volition agreed to deposit the said amount and was granted anticipatory bail. However, now the petitioners filed the modification petition to modify the conditions imposed in Crl.O.P.No.16341 of 2021 dated 09.09.2021.

5. In view of the above, this Court is inclined to modify the condition imposed by this Court to that effect that the petitioners shall deposit a sum of Rs.10,00,000/- to the credit of Crime No.38 of 2018 before the learned Judicial Magistrate No.1, Coimbatore within a period of two weeks from the date of receipt of copy of this order. On such deposit being made the learned Judicial Magistrate No.1, Coimbatore shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount deposited by the petitioners will be returned to the petitioners and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant. All other conditions remains unaltered.

-sd/-
02/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
COIMBATORE



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. V.MURUGESAN Advocate on payment of necessary
charges SR.NO.12367

Order

in
CRL MP.11245/2021

in
CRL OP.16341/2021

Date :02/11/2021

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JPA 18/11/2021